AMENDMENT 1

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-084

Certified Mail – Return Receipt Requested

Mr. Shimon Mizrahi
Managing Partner
Rainier Commons, LLC
3317 3rd Avenue South
Seattle, Washington 98134

Re: Risk-Based Disposal Approval for Polychlorinated Biphenyl Bulk Product Waste at the Rainier Commons Facility, 3100 Airport Way South, Seattle, WA, EPA ID No. WAD 05123 9994

Dear Mr. Mizrahi:

I have reviewed the Phase I Individual Phased Work Plan (Phase I IPWP) submitted by Jo M. Flannery on behalf of Rainier Commons, April 3, 2014, the Estimated Catch Basin Sampling Schedule for Phase 1, submitted by Vered Mizrahi on May 14, 2014, the Supplement to Phase I Individual Phased Work Plan, submitted by Jo M. Flannery on June 2, 2014 (Supplemental Response), and the PCB Air Sampling Plan for Phase I IPWP submitted by Vered Mizrahi on June 9, 2014 (Air Sampling). These four documents together shall comprise the Phase I IPWP, and are hereby incorporated into the Risk-Based Disposal Approval (RBDA) granted by EPA on December 18, 2013 and become an enforceable condition of the approval, pursuant to the conditions noted below.

One correction shall be made to the Phase I IPWP Supplemental Response- EPA stated in item 20 that the demonstration project showed that soda was not effective. This statement was incorrect. In fact, according to Rainier's Paint Abatement Pilot Testing Preliminary Findings Report, January 12, 2010, soda blasting was found to be "the only product tested that was able to remove the base layer of paint". EPA strongly encourages the use of soda blasting for paint removal, due to the effectiveness previously demonstrated at Rainier Commons.

Conditions:

1. The catch basin sediment and aqueous sampling schedule was submitted by Vered Mizrahi on May 14, 2014. Any modification from this schedule for any reason other than weather conditions shall require prior approval from the EPA Project Manager.
2. The RBDA only approved the use of blasting material identified in the General Workplan, which did not include copper slag or chemical strippers. However, the RBDA does allow the use of different removal media subject to EPA approval. Rainier submitted product sheets and Material Safety Data Sheets for Copper Slag, Green Diamond Sand and Piranha 4 Solvent Gel. These products are approved for use for paint removal at Rainier Commons subject to the following:

a. Copper Slag and Green Diamond Sand must be analyzed for metals content.
b. Air samples shall be collected and analyzed for PCBs and metals.
c. Catch basin sediment and aqueous samples collected during and after blasting activities shall include metals analysis.
d. Metals analysis for air, water and sediment shall include all metals identified in the blasting media. If blasting media is not analyzed prior to air monitoring or sediment and aqueous sampling, the following metals must be analyzed in the environmental samples: arsenic, cadmium, chromium, copper, lead, mercury, nickel, silver, and zinc.

3. Air monitoring shall follow the field and analytical methods described in the Phase I IPWP-Supplemental Response and Air Sampling documents, subject to the following:
   a. Rainier proposes to collect air samples and analyze for PCBs. EPA requires that the metals listed in Condition 2.d. of this approval also be analyzed at the same location, frequency and QA standards, so long as blasting media containing metals is used. This results in a total of 4 air sampling pumps each day, 2 outside and 2 inside.
   b. Rainier proposes conducting analysis for three days, and then reducing sample collection to every other day during blasting work if lab results are below the NIOSH REL. EPA does not approve this. Collecting samples every other day does not provide adequate monitoring to ensure protection of human health and the environment. EPA requires Rainier to conduct PCB and metals analysis in air samples every day that blasting occurs.
   c. Rainier may choose to modify the air monitoring approach to continuous dust particulate monitoring instead of daily laboratory analysis. A modification of the air monitoring plan is subject to EPA approval.
4. Clarification is requested regarding prior substrate sampling. In Item 33 of the Supplemental Response Rainier states that "PCBs...have already been shown not to migrate to porous stone or cementitious like substrates, through substrate sampling, and specifically to be at or below 1ppm in brick and cementitious plaster substrates." EPA finds no record that demonstrates cementitious plaster has PCB concentrations < 1ppm. The RBDA provides approval only for brick substrates, and requires all other substrates to be tested. Rainier may seek approval to remove cementitious plaster from analysis under the RBDA by providing documentation that PCBs have been previously demonstrated to be < 1 ppm, subject to EPA approval.
5. Rainier plans to put filter fabric over the roof inlets on roof drains near blasting activity. EPA further requires that filter fabric also be placed over the outlet of the roof drain.

The terms and conditions of this approval are established pursuant to 40 C.F.R. §§ 761.62(c) and 761.61(c) and enforceable under the Toxic Substances Control Act (TSCA). Any actions which deviate from the terms and conditions of this approval may result in administrative, civil, or criminal enforcement in accordance with Sections 16 and 17 of TSCA, 15 U.S.C. §§ 2615 and 2616.

Should you have any questions or comments, please contact me at (206) 553-1616, or

Sincerely,

Michelle Mullin
PCB Coordinator

cc: Jo M. Flannery
Ryan, Swanson & Cleveland, PLLC

Richard Thomas
Washington Department of Ecology

Dan Cargill
Washington Department of Ecology

Arnaud Gerard
King County

Bruce Tiffany
King County

Beth Schmoyer
Seattle Public Utilities

From: Vered <Vered@arieldevelopment.com>
To: Flannery, Jo M. <Flannery@ryanlaw.com>; Mark Marcell <markm@cgius.net>; dave.l <dave.l@nvllabs.com>; 'munaf.k@nvllabs.com' <munaf.k@nvllabs.com>
Cc: Shimon Mizrahi <Shimon@arieldevelopment.com>; Doug Lansing <lansinghomes@aol.com>
Subject: FW: Questions needing follow up
Date: Thu, May 15, 2014 4:24 pm

Thank you,

Vered Mizrahi
Rainier Commons LLC
918 S. Horton Street, Suite 1018 | Seattle, WA 98134
C: (206) 948-2821 | **T:** (206) 447-0263 | **F:** (206) 447-0299
vered@arieldevelopment.com | www.arieldevelopment.com

From: Mullin, Michelle <Mullin.Michelle@epa.gov>
Sent: Thursday, May 15, 2014 4:20 PM
To: Vered
Subject: Questions needing follow up

Hi Vered-

Here is my list of questions/concerns/issues for follow up. Please distribute to all relevant parties for tomorrow's discussion.

Thank you,

Michelle

Items for clarification:

1 King County wants SD-1 and CB-5 sampled and analyzed as well as the three locations you identified. You mentioned in our call on 2/11/14 that those may not have sediment, or may be covered by the containment structure. If so, you planned to note that in the report. The Phase I IPWP did not reflect any of this conversation. You must include these locations in the sampling plan.

2 The King County discharge authorization is 0.1 micrograms per Liter (ug/L). Therefore, the action level for PCBs in water is 0.1 ug/L. This is stated in the RBDA. Both the General Workplan, the Phase I IPWP and a recent email from RC/NVL all continue to use 1ppm as the action level. 1 ppm (or 1 mg/kg) is the action level for PCBs in sediments. 0.1 ug/L is the action level for PCBs in water. Laboratory detection limits/reporting limits must be adequate for both of these levels.

3 The RBDA only approved the use of blasting material identified in the General Workplan, which did

not include copper slag or chemical strippers. At this time, neither of those materials are approved for abating the paint at the property. I understand that chemical strippers may be necessary for paint adhered to window frames, etc. Please send me information for the strippers you plan to use, including MSDS, application and disposal plans, and any other information that is necessary to determine the safety and environmental risk of using such a product. Copper slag is not approved for use at this time.

4 You have provided an inventory of the inlets in the form of a map. On the 2/11/14 call I also requested a table that listed each inlet, it's feature attributes and lat/long coordinates. Please provide this table.

5 The QA is still inadequate. I do note that you did include more specifics regarding duplicate and lab QA samples. And you did include the RPD required to accept the duplicate results. However, you did not include any parameters for how you will determine when to use or reject the sample results in general- such as what level of completeness is acceptable? You did not list the Reporting Limits for the analysis. I do not know if the analysis will be sensitive enough to detect contamination at the action levels. You mentioned the volume needed for your samples, but not for the QA samples. Do you need to collect extra volume for the lab-run MS/MSD, for example? You did not include any sampling QA such as equipment blanks or rinsate blanks.

6 What if your sediment scoops include a lot of water? Recommend putting into a container, letting settle, then decanting.

7 Inlets under the containment structure need to be separately wrapped/protected (CB-5 according to scaffold drawings). You did mention completely sealing some of the manholes, I just want to ensure that any inlet under the structure is also separately sealed.

8 Pre-blasting you mentioned that you would inspect all of the filter fabric and clean or replace them if necessary. Not mentioned specifically in the IPWP, though you do mention the ongoing inspection and cleaning. I just want to be clear that you will do a specific inspection to ensure all filters in place are intact and clean.

9 You mention appropriate decon of tools for sampling the substrate, but I don't recall seeing that for the sediment and aqueous samples as well. Please ensure that all sampling equipment is either disposed between uses or provide decon plans.

10 · Aqueous sampling plan- I would like to see in the schedule a plan to use the weather forecast to plan the sampling event. You should attempt to collect catch basin samples during or immediately following rain events, as practicable. I understand this may not always be feasible, which is why documenting the weather forecast will be helpful.

11 · The workplan mentions that wet wiping will occur on the substrate prior to visual inspection- what will be the "wet" material, water?

12 · Workplan mentions storing equipment, and disposal materials, but does not explicitly state in accordance with 761 storage requirements at 65(b) or (c). Must ensure compliance with 761, as stated in the RBDA. Also, the staging area is described, but where will the full containers be stored?

13 · Backflow protection needs to be installed on water sources used for the showers, etc. to

prevent contamination.

14. What is the total height of the scaffolding? Will it be installed applicable to OSHA/WISHA and manufacturers standards? Include a statement as such.

15. How will water collection effectively work in the containment area? It will be trapped on the plastic sheeting within the straw waddle berm, but then what?

16. Have you considered having a wearing surface on top of the plastic sheeting on the ground, to prevent punctures and tears? Such as planks of wood or aluminum?

17. How will the plastic sheets be sealed between the building and the scaffolding? Example photos show tape, drawing shows caulk- what is the plan?

18. Numbers and units seem to be off in the calculation on airflow.

19. Will need to ensure that spent blasting media and waste are also sampled to comply with WA Dangerous waste rules.

20. Demonstration project showed that sand was very aggressive to the substrate, and soda was not effective. Walnut shells were best, but aren't mentioned in the IPWP.

21. May want to use Aluminum planks instead of wood, to prevent PCBs from contaminating the wood. Otherwise will need to decon and sample to ensure they are not contaminated.

22. What is the waste sampling and analysis plan?

23. Waste containers also need the date out of service for PCB waste

24. CGI Workplan states "hazardous material"- this needs to be clearly "PCB wastes regulated for disposal or wastes that designate as dangerous waste pursuant to WAC 173-303"

25. Where are you sending the collected waste water? Can't go to a landfill.

26. Air monitoring- what is the sampling and QA plan? What are the MDL/RL?

27. All field personnel must be aware of the RBDA.

28. Spill plan does not have any mention of 761 Subpart G- Spill Cleanup Policy. All PCB spills or releases must be cleaned up in accordance with that part of the regulations.

29. HASP is not site specific, and only applies to CGI- what site specific health and safety plan procedures will be implemented to cover all the work being conducted by all parties?

30. In the Containment section drawing- what is the "4x4 cant"?

31. NVL roof drain protection includes RD41 on Building 13, and RD 43 on bld 23 and RD45, 46 on bld 10 and 11. CGI plan does not include these. Ensure that all on the NVL plan are protected according to NVL's specs prior to work.

32. Backup generator or power source to maintain neg pressure in the event of a power outage?

33 · What is the substrate on the west elevations of Bld 10 and 11? Pictures look like concrete, with stone near bottom. Was stone previously demonstrated to be PCB free?

34 · In the Visual Inspection addendum there is a note that the "infrequent small fleck of paint remaining post abatement is functionally unavoidable as a practical matter. Complete removal and completely clean to visual inspection will be required of the Contractor". I want to re-iterate that complete removal and completely clean is required. The statement "functionally unavoidable as a practical matter" is not a statement that EPA agreed to, and is not how the RBDA is written.

Michelle Mullin

PCB Coordinator

US EPA Region 10

1200 6th Avenue |Suite 900 | OCE-084

Seattle, WA 98101

mullin.michelle@epa.gov

206-553-1616

www.epa.gov/pcb

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